

Applicant : Thomas N. Corwin
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REMARKS

Only claim 13 remains pending in the application.

Rejections Under 35 U.S.C. §103

Claim 13 stands rejected under 35 U.S.C. §103 as being unpatentable over Voegele, Jr. (U.S. Patent No. 6,079,167 in view of Damron (U.S. Patent No. 5,561,952).

Claim 13 is directed to a building having a roof structure including rafters, and a skylight mounted on the rafters, "the rafters on which the skylight is mounted being comprised of plastic members having a plurality of openings that allow air to . . . flow" This arrangement is illustrated in Figs. 4 and 5.

Applicant agrees with the Examiner that Voegele, Jr. discloses a roof 10 with rafters 14 spaced from a deck 12, with insulation 62 and a skylight 24 mounted between rafters 14. Applicant also agrees with the Examiner that the Voegele, Jr. patent does not teach or suggest a roof vent. Applicant agrees with the Examiner that the Damron patent discloses a skylight 10 having incorporated therein vents 17.

The Examiner has taken the position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the combination skylight/vent of Damron to the Voegele, Jr. roof to enhance air flow throughout the roof and building while reducing roof elements. The Examiner has added that the combination skylight/vent of Damron provides "a unitary structure and decreases the amount of work required to give air to the structure."

Notwithstanding the fact that one having ordinary skill in the art might be motivated to utilize a combination skylight/vent as disclosed by Damron in the structure described by Voegele, Jr., the resulting structure would not meet the claim requirement for "the rafters on which the skylight is mounted being comprised of plastic members having a plurality of openings that allow air to . . . flow" In this regard note that the Damron patent discloses a skylight that is relatively small, and therefore can be mounted directly on the roof deck, which admittedly is supported by rafters 84. However, these rafters do not have any openings of any type that allow ventilation, and therefore do not meet the requirements of the claim. Similarly, the rafters shown and described in the Voegele, Jr. do not include openings that

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allow air to flow (as already admitted by the Examiner). Accordingly, any way that the two references are combined results in a combination that completely lacks rafters having the required openings. Further, it could be mentioned that neither of the applied references teaches or suggests rafters comprised of plastic members.

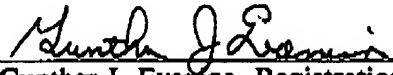
For the reasons set forth above, it is respectfully submitted that the combination of Voegele, Jr. and Damron do not provide an adequate foundation for establishing *prima facie* obviousness. Therefore, withdrawal of the rejection is appropriate.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance notice of the same is earnestly solicited.

Respectfully submitted,

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Date



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